

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MONTE RUSSELL, on behalf of himself and
others similarly situated,

Plaintiff,

v.

WELLS FARGO AND COMPANY,

Defendant.

Case No. C-07-3993-CW

**DECLARATION OF T. JOSEPH
SNODGRASS IN SUPPORT OF
PLAINTIFF'S MEMORANDUM IN
SUPPORT TO STRIKE AND
INVALIDATE DEFENDANT'S RULE 68
OFFERS**

EXHIBIT G

LARSON • KING, LLP

T. JOSEPH SNODGRASS

Attorney at Law
Direct Dial: (651) 312-6510
E-Mail: jsnodgrass@larsonking.com

June 27, 2008

VIA FACSIMILE AND U.S. MAIL

Glenn L. Briggs, Esq.
Hodel Briggs Winter LLP
8105 Irvine Center Drive, Suite 1400
Irvine, CA 92618

Re: *Monte Russell v. Wells Fargo & Company*
Court File No. C 07-0993 CW
Our File No. 1-542-0001

Dear Mr. Briggs:

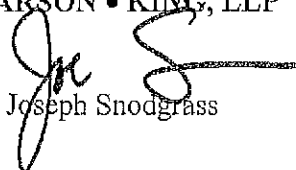
During the parties' mediation session with Gig Kyriacou on June 18, 2008, you indicated that Wells Fargo may attempt to issue Rule 68 offers of judgment to Plaintiff Monte Russell and others to avoid involvement/notice going out to all of the PC/LAN Engineers. As you are aware, certain federal district courts have held that this tactic is improper as illustrated by *Luna v. Del Monte Fresh Produce (Southeast), Inc.*, 2008 WL 754452 (N.D. Ga. Mar. 19, 2008) and *Wang v. Chinese Dailey News, Inc.*, 2006 WL 1635423 (C.D. Cal. May 6, 2006).

As you are also aware, Plaintiff has not yet filed his motions for certification and notice to the remaining putative opt-in members, and the opt-in period for this group of employees has not yet expired let alone been set by the Court. In addition, merits discovery has not yet been conducted. Accordingly, any Rule 68 offers would be premature at this point in time and would necessarily hinder judicial economy.

Should you decide to go forward with offers of judgment, please contact me as soon as possible so that the Plaintiffs have the opportunity to alert the Court and challenge the propriety of making such offers at this premature stage of the collective action litigation. Thank you.

Very truly yours,

LARSON • KING, LLP


T. Joseph Snodgrass

TJS/rm